

2009 DRAFTING REQUEST

Bill

Received: 03/26/2009

Received By: rkite

Wanted: As time permits

Identical to LRB:

For: Legislative Council - JLC

By/Representing: Don Salm

This file may be shown to any legislator: NO

Drafter: rkite

May Contact:

Addl. Drafters:

Subject: Nat. Res. - boats snomos ATVs

Extra Copies:

Submit via email: YES

Requester's email: don.salm@legis.wisconsin.gov

Carbon copy (CC:) to: dan.schmidt@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Trespass by ATVs, snowmobiles, and off-road vehicles

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	rkite 04/20/2009	jdye 04/21/2009	jfrantze 04/21/2009	_____	lparisi 04/21/2009		
/1	rkite 04/23/2009	jdye 04/23/2009	jfrantze 04/23/2009	_____ _____ _____	sbasford 04/23/2009	sbasford 07/27/2009 sbasford 07/27/2009	

re-jacketed
/1 for new label

FE Sent For:

None

<END>

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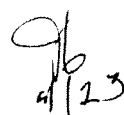
Instructions:

See attached

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/P1	rkite 04/20/2009	jdye 04/21/2009	jfrantze 04/21/2009	_____	lparisi 04/21/2009		

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1?	rkite	PI 4/21	4/21	MD PH 4/21			
FE Sent For:							
<END>							

1 **AN ACT** *to amend* 23.33 (3) (c) and 350.10 (1) (f) of the statutes; **relating to:** trespass
2 by operators of snowmobiles, all-terrain vehicles, and other off-road vehicles.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council's Special Committee on Enhancing Recreational Trails for Non-Motorized Use.

The draft expands the current statutes that prohibit trespass with an all-terrain vehicle (ATV), snowmobile, or off-road vehicle to apply to all property, rather than just private property. This change will allow wardens and other law enforcement officers to enforce these trespass provisions on all lands.

3 **SECTION 1.** 23.33 (3) (c) of the statutes is amended to read:

4 23.33 (3) (c) On the ~~private~~ property of another without the consent of the owner or
5 lessee. Failure to post ~~private~~ such property does not imply consent for all-terrain vehicle use.
6 This paragraph does not apply to the right-of-way of a public highway.

NOTE: This provision in the current statutes [s. 23.33 (3) (c), stats.] is part of the rules of operation for ATVs. This paragraph is preceded by an introductory clause that states: "No person may operate an all-terrain vehicle:".

This draft expands the property that is subject to the prohibition by applying the prohibition to **public** property as well as private property. The draft does this by deleting "private" in the statute. The draft also creates an exception so that the expanded statute does not apply to a public highway right-of-way.

7 **SECTION 2.** 350.10 (1) (f) of the statutes is amended to read:

8 350.10 (1) (f) On the ~~private~~ property of another without the consent of the owner or
9 lessee. Failure to post ~~private~~ such property does not imply consent for snowmobile use. Any
10 other motor-driven craft or vehicle principally manufactured for off-highway use shall at all

1 times have the consent of the owner before operation of such craft or vehicle on ~~private lands~~
2 the property of another. This paragraph does not apply to the right-of-way of a public
3 highway.

NOTE: This provision in the current statutes [s. 350.10 (1) (f), stats.] is part of the statutes related to snowmobile operation. This paragraph is preceded by an introductory clause that states: "No person shall operate a snowmobile in the following manner:". The provision is not limited to snowmobiles, but also applies to other "motor-driven craft or vehicle principally manufactured for off-highway use".

This draft expands the property that is subject to the prohibition by applying the prohibition to *public* property as well as private property. The draft does this by deleting "private" in the statute. The draft also creates an exception so that the expanded statute does not apply to a public highway right-of-way.

4

(END)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

4-1-09 -

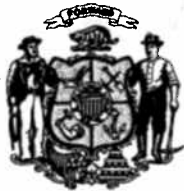
Called Dan Schmidt & Dan Salim to explain language re. right of way - they said this language was specifically requested by DNR & DOT told me to talk to Gary Eddy at DNR for explanation

4/13/09

Called Gary Eddy - he is out of the office this week - I left a message (267-7455)

4/20/09

Gary Eddy returned my call - he does not know why the "right-of-way" language was included in the draft - he thinks it is confusing and unnecessary



1500n
State of Wisconsin
2009 - 2010 LEGISLATURE

LB-Keep as
pl if possible
LRB-2465/P1
RNK
Jld

LPS-
P.W.F. please Done

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In
4-20

D-Note

This is a preliminary draft. An analysis will be provided in a later version.

1 AN ACT ^{Gen} relating to: trespass by operators of snowmobiles, all-terrain
2 vehicles, and other off-road vehicles.

Analysis by the Legislative Reference Bureau

anal: jlc note

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill [✓] ~~draft~~ ^{bill} was prepared for the Joint Legislative Council's Special Committee on Enhancing Recreational Trails for Non-Motorized Use. *

The ^{bill} ~~draft~~ expands the current statutes that prohibit trespass with an all-terrain vehicle (ATV), snowmobile, or off-road vehicle [✓] to apply to all property, rather than just private property. [✓] This change will allow wardens and other law enforcement officers to enforce these trespass provisions on all lands. *

3 SECTION 1. 23.33 (3) (c) [✓] of the statutes is amended to read:

4 23.33 (3) (c) On the private property [✓] of another without the consent of the
5 owner or lessee. [✓] Failure to post private [✓] such property does not imply consent for

6 all-terrain vehicle use. [✓] This paragraph does not apply to the right-of-way of a public
7 highway.

NOTE: This provision in the current statutes [s. 23.33 (3) (c), stats.] is part of the rules of operation for ATVs. This paragraph is preceded by an introductory clause that states: "No person may operate an all-terrain vehicle."

This ~~draft~~ ^{bill} expands the property that is subject to the prohibition by applying the prohibition to public property as well as private property. The ~~draft~~ ^{bill} does this by deleting "private" in the statute. The draft also creates an exception so that the expanded statute does not apply to a public highway right-of-way.

SECTION 2. 350.10 (1) (f) of the statutes is amended to read:

350.10 (1) (f) On the private property of another without the consent of the owner or lessee. Failure to post private ^{plain} such property does not imply consent for snowmobile use. Any other motor-driven craft or vehicle principally manufactured for off-highway use shall at all times have the consent of the owner before operation of such craft or vehicle on private lands the property of another. This paragraph does not apply to the right-of-way of a public highway.

NOTE: This provision in the current statutes [s. 350.10 (1) (f), stats.] is part of the statutes related to snowmobile operation. This paragraph is preceded by an introductory clause that states: "No person shall operate a snowmobile in the following manner:". The provision is not limited to snowmobiles, but also applies to other "motor-driven craft or vehicle principally manufactured for off-highway use".

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(END)

d-note
↓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2465/P1dn

RNK: ^....

date

jld

As you know, I do not understand the purpose of the "right-of-way" exemption in the the draft that you provided. As you suggested, I spoke to Gary Eddy with the Department of Natural Resources for an explanation of this exemption language. He told me that he did not propose this language and thought that it would cause confusion. Based on this discussion, I have removed the exemption language (and the corresponding explanation in your Notes) from this version of the draft.

Please feel free to contact me if you have any questions about this draft.

Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2465/P1dn
RNK:jld:jf

April 21, 2009

As you know, I do not understand the purpose of the "right-of-way" exemption in the the draft that you provided. As you suggested, I spoke to Gary Eddy with the Department of Natural Resources for an explanation of this exemption language. He told me that he did not propose this language and thought that it would cause confusion. Based on this discussion, I have removed the exemption language (and the corresponding explanation in your NOTES) from this version of the draft.

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Robin N. Kite
Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov



[800n]

State of Wisconsin
2009 - 2010 LEGISLATURE

RM run
1
LRB-2465/P1
RNK:jld:jf

✓ PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

2009 BILL ✓

In
4/23

✓ Regen

- 1 AN ACT *to amend* 23.33 (3) (c) and 350.10 (1) (f) of the statutes; **relating to:**
2 trespass by operators of snowmobiles, all-terrain vehicles, and other off-road
3 vehicles.

✓ ***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a later version.
This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Enhancing Recreational Trails for Non-Motorized Use.

The bill expands the current statutes that prohibit trespass with an all-terrain vehicle (ATV), snowmobile, or off-road vehicle to apply to all property, rather than just private property. This change will allow wardens and other law enforcement officers to enforce these trespass provisions on all lands.

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9 of such craft or vehicle on ~~private lands~~ the property of another.

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Please jacket
LRB-2465 for
Don Salom @
Leg Council

Please jacket
LRB-2465 for
Don Salom @
Leg Council

per RNK 7/27/09

for
Senate